

REMARKS

Introduction:

In accordance with the foregoing, claims 21, 22, 24 and 26 have been amended. No new matter is being presented. Therefore, claims 21, 22 and 24-26 are pending in the application and reconsideration is respectfully requested.

Rejections under 35 U.S.C. § 112:

Claims 21, 22, 24 and 26 are rejected under 35 U.S.C. § 112, second paragraph. However, these claims have been amended in accordance with the Examiner's comments and, therefore, these rejections are believed to be overcome.

Interview of April 27, 2011:

The applicants wish to thank the Examiner for the courtesy of the interview held on April 27, 2011.

Rejections under 35 U.S.C. § 103(a):

Claims 21, 22, 24-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wang, Eby, Schmidle and Courtney. These rejections are traversed because it has not been established that Wang discloses a non-curable coating as claimed and because Wang/Eby/Schmidle cannot be combined with Courtney.

As to the first issue, the Examiner has stated that Wang discloses a non-curable coating made from plastisol. Responsively, the applicants have previously questioned that assertion by

noting that Wang discloses a transparent or translucent layer 24 overlying the transparent or translucent layer 16 but contains no disclosure whatsoever indicating that the transparent or translucent layer 16 is non-curable. The applicants have further noted that Wang describes the first layer containing platey material as being “hardenable,” which suggests that the transparent or translucent layer 16 is, in fact, curable in contrast with the claimed non-curability of the first coating of the claimed invention.

In response to these statements, the Examiner stated that something hardenable does not have to be curable, which, even if true, does not address Wang’s failure to disclose something that is actually “non curable.” That is, while something hardenable may not necessarily be curable, the hardenable thing is **certainly** not necessarily non curable, as claimed.

The Examiner then stated that, because the non curable coating of Wang is made from plastisol, “which is identical to the material of the non curable coating, as presently claimed, it is clear that the coating of Wang made from plastisol is inherently non curable.”

To this point, the applicants respectfully assert that simply because the claims recite that the non curable coating is “made from a plastisol” does not necessarily indicate that the non curable coating is wholly made from the plastisol (especially in light of the additional claim term “or organosol,” which is improperly ignored by the Examiner) and **CERTAINLY** does not indicate that the claimed non curable coating is made from the **exact same plastisol** as the coating of Wang.

That there are many types of plastisols available with some being non curable, as in the claimed invention, and some being curable is clear from the Examiner’s own reliance upon Courtnoy, which clearly discloses a **curable coating made from plastisol** in columns 7-8.

As to the second issue, the suggested combination of Wang/Eby/Schmidle with Courtnoy requires that Courtnoy be modified to include the claimed non curable coating in question. However, no such evidence has been put forward for indicating that such a modification would be in any way desirable. Thus, it is not clear that any motivation exists for the combination.

Thus, it is believed that the claims are patentably distinguished from the combination of

the references and, therefore, the rejections are believed to be traversed.

Conclusion:

It is believed that the foregoing amendments and remarks place the application in condition for allowance and an early and favorable action to that effect is respectfully requested. The Examiner is invited to contact applicant's attorney at the below listed phone number regarding this response or otherwise concerning the present application. Applicant hereby petitions for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply. If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,
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Date: May 4, 2011